

CLAIM AMENDMENTS

Claim Amendment Summary

Claims pending

- At time of the Action: Claims 9-15, 26-27, 31, 34 and 37.
- After this Response: Claims 9-15, 26-27, 31, 34 and 37-43.

Canceled or Withdrawn claims: none.

Amended claims: none.

New claims: 38-43.

Claims:

Claims 1-8 are CANCELED.

9. (ORIGINAL) A method for facilitating speedy communication of packets between entities on a network, the method comprising:

sending a set of packets from a sending entity to a receiving entity, wherein a transmission delay between packets in the set is intolerable;

immediately thereafter, sending at least one "push" packet to avert a transmission delay between packets in the set, wherein the delay is caused by packet buffering of a communication device on the network.

421 West Riverside, Suite 500
Spokane, WA 99201
P: 509.324.9256
F: 509.323.8979
www.leeandhayes.com

lee & hayes

SERIAL NO.: 09/635,988
ATTY DOCKET NO.: MS1-365US
RESPONSE TO NON-FINAL OFFICE ACTION

2

by: Kasey C. Christie

1 10. (ORIGINAL) A method as recited in claim 9, wherein the set of
2 packets includes two packets sent back-to-back.

3
4 11. (ORIGINAL) A method as recited in claim 9, wherein the set of
5 packets are bandwidth-measurement packets for measuring bandwidth between the
6 sending entity and the receiving entity.

7
8 12. (ORIGINAL) A method as recited in claim 9, wherein the
9 communication device is a proxy server.

10
11 13. (ORIGINAL) A method as recited in claim 9, wherein the network is
12 TCP.

13
14 14. (ORIGINAL) A program module having computer-executable
15 instructions that, when executed by a computer, performs the method as recited in
16 claim 9 at an application layer in accordance with an OSI model.

17
18 15. (ORIGINAL) A computer-readable medium having computer-
19 executable instructions that, when executed by a computer, performs the method
20 as recited in claim 9.

21
22 Claims 16-25 are CANCELED.

23
24
25
SERIAL NO.: 09/635,988
ATTY DOCKET NO.: MS1-565US
RESPONSE TO NON-FINAL OFFICE ACTION

3

atty: Kasey C. Christie

1 26. (ORIGINAL) A method for facilitating bandwidth measurement
2 between two entities on a network, the method comprising:

3 sending a pair of bandwidth-measurement packets from a sending entity to
4 a receiving entity, wherein a transmission delay between packets in the pair is
5 intolerable;

6 immediately thereafter, sending at least one "push" packet to avert a
7 transmission delay between packets in the pair, wherein the delay is caused by
8 packet buffering of a communication device on the network.

9
10 27. (ORIGINAL) A method as recited in claim 26 further comprising
11 receiving a bandwidth calculation based upon measurements related to the pair of
12 packets.

13
14 28. (CANCELED)

15
16 29. (CANCELED)

17
18 30. (CANCELED)

421 West Riverside, Suite 500
Spokane, WA 99201
P: 509.324-9256
F: 509.323-8979
www.leeandhayes.com
lee & hayes

SERIAL NO.: 09/635,988
ATTY DOCKET NO.: MSI-565US
RESPONSE TO NON-FINAL OFFICE ACTION
DATED 1/31/2005

4

atty: Kasey C. Christie

1 **31. (ORIGINAL)** A computer-readable medium having computer-
2 executable instructions that, when executed by a computer, perform a method to
3 facilitate speedy communication of packets between entities on a network, the
4 method comprising:

5 sending a set of packets from a sending entity to a receiving entity, wherein
6 a transmission delay between packets in the set is intolerable;

7 immediately thereafter, sending at least one "push" packet to avert a
8 transmission delay between packets in the set, wherein the delay is caused by
9 packet buffering of a communication device on the network.
10

11 **32. (CANCELED)**
12

13 **33. (CANCELED)**
14

15 **34. (ORIGINAL)** An apparatus comprising:

16 a processor;

17 a transmission-delay avoider executable on the processor to:

18 send a set of packets from a sending entity to a receiving entity,
19 wherein a transmission delay between packets in the set is intolerable;

20 immediately thereafter, send at least one "push" packet to avert a
21 transmission delay between packets in the set, wherein the delay is caused
22 by packet buffering of a communication device on the network.
23

24 **35. (CANCELED)**
25

421 West Riverside, Suite 500
Spokane, WA 99201
P: 509.324.9256
F: 509.323.8979
www.leeandhayes.com
lee & hayes

SERIAL NO.: 09/635,988
ATTY DOCKET NO.: MS1-565US
RESPONSE TO NON-FINAL OFFICE ACTION
DATED 12/01/05

5

atty: Kasey C. Christ

1 36. (CANCELED)

2
3 37. (ORIGINAL) A modulated data signal having data fields encoded
4 thereon transmitted over a communications channel, comprising:

5 a first field including a first bandwidth-measurement packet;

6 a second field including a second bandwidth-measurement packet;

7 a third field including a "push" packet facilitating minimization of
8 transmission delay between the first and second packets, wherein the delay is
9 caused by packet buffering of a communication device on the network.

10
11 Claims 38-48 are CANCELED.

12
13 — NEW CLAIMS —

14
15 38. (NEW) A method as recited in claim 9, wherein the "push"
16 packet is sent from the sending entity.

17
18 39. (NEW) A method as recited in claim 9, wherein the
19 transmission delay is caused by packet buffering of a communication device on
20 the network, the communication device causing the transmission delay is neither
21 the sending entity nor the receiving entity.

22
23
24
25
SERIAL NO.: 09/635,988
ATTY DOCKET NO.: MSI-565US
RESPONSE TO NON-FINAL OFFICE ACTION
DATE: 6/21/2005

6

atty: Kasey C. Christie

421 West Riverside, Suite 500
Spokane, WA 99201
P: 509.324-9256
F: 509.323-8879
www.lee&hayes.com

lee & hayes

1 40. (NEW) A method as recited in claim 9, wherein the packet
2 buffering causing the transmission delay is characterized by a buffering action
3 where one or more of the set of packets are buffered into a packet buffer, wherein
4 the transmission delay is a result of the packet buffering action itself and not a
5 result of filling or nearly filling the packet buffer.

6
7 41. (NEW) A method as recited in claim 26, wherein the "push"
8 packet is sent from the sending entity.

9
10 42. (NEW) A method as recited in claim 26, wherein the
11 transmission delay is caused by packet buffering of a communication device on
12 the network, the communication device causing the transmission delay is neither
13 the sending entity nor the receiving entity.

14
15 43. (NEW) A method as recited in claim 26, wherein the packet
16 buffering causing the transmission delay is characterized by a buffering action
17 where one or more of the set of packets are buffered into a packet buffer, wherein
18 the transmission delay is a result of the packet buffering action itself and not a
19 result of filling or nearly filling the packet buffer.

421 West Riverside, Suite 500
Spokane, WA 99201
P: 509.324-0256
F: 509.323-8979
www.leeandhayes.com
lee & hayes

SERIAL NO.: 09/635,988
ATTY DOCKET NO.: MS1-563US
RESPONSE TO NON-FINAL OFFICE ACTION
DATED 12/1/2005

7

atty: Kasey C. Christio